

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES ROBERT SINNOTT, and  
CATHERINE A. PEPPER a/k/a  
CATHERINE SINNOTT,

Defendants Below-  
Appellants,

v.

DERRICK THOMPSON, by his guardian  
*ad litem*, KELLY M. NEVILLE-  
THOMPSON,

Plaintiff Below-  
Appellee.

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§ No. 268, 2011  
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§ Court Below—Superior Court  
§ of the State of Delaware,  
§ in and for Kent County  
§ C.A. No. K09C-11-041  
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Submitted: May 26, 2011

Decided: June 13, 2011

Before **HOLLAND, BERGER**, and **JACOBS**, Justices.

**ORDER**

This 13<sup>th</sup> day of June 2011, it appears to the Court that:

(1) The defendants-appellants have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court, dated April 26, 2011, denying the defendants' motion for summary judgment. The Superior Court's order held that Delaware comparative negligence law, and not the contributory negligence law of North Carolina, applied to the case.

(2) The defendants filed their application for certification to take an interlocutory appeal in the Superior Court on May 5, 2011. The Superior Court denied the certification application on May 25, 2011.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal be REFUSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice